

Advisory Opinions on Consent Agenda - January 2016

Docket #	Caption	Analysis	Recommendation
2015-1007	Amended disqualification plan regarding the employment of immediate family members of Isaac Joseph, Superintendent of the Jefferson Parish School System.	The disqualification plan submitted will eliminate any potential violations of La. R.S. 42:1112 if immediate family members of Superintendent Isaac Joseph have a personnel matter pending before the school board. Violations of La. R.S. 42:1119 may still occur if the Jefferson Parish School Board hires immediate family members of the superintendent who do not meet the exception. An advisory opinion should be sought if immediate family members of Isaac Joseph seek employment within the Jefferson Parish Public School System.	Approve the disqualification plan.
2015-1242	Advisory opinion request as to whether Marcus Clark, a Justice of the Supreme Court, may use his campaign funds to purchase books regarding search and seizure for various law enforcement agencies within the state.	La. R.S. 18:1505.2I does not prohibit Justice Clark from using his campaign funds to purchase books regarding search and seizure for various law enforcement agencies within the state because they are not for his personal use.	Adopt the proposed advisory opinion.

Docket #	Caption	Analysis	Recommendation
2015-1247	Advisory opinion request regarding the post-employment restrictions of Matthew Valliere if he were to terminate his employment with the Office of Public Health (OPH) and accept employment with Capitol City Family Health Center (CCFHC).	Mr. Valliere provides direct administrative and functional supervision over the Nutrition Division, which includes WIC, within CCPH. As such, he would be prohibited for two years from receiving compensation for assisting CCFHC in a transaction, or in appearance in connection with a transaction, in which he participated at any time during his employment with CCPH and involving the State, or rendering any service he had previously performed while employed by CCPH on a contractual basis to, for, or on behalf of CCPH regardless of the parties to the contract for two years following the date of his termination from CCPH. Further, CCFHC would be prohibited from receiving compensation for assisting another person in a transaction, or in an appearance in connection with a transaction in which Mr. Valliere participated at any time during his public service involving CCPH for two years following his termination from CCPH while being employed with CCFHC.	Adopt the proposed advisory opinion.

Docket #	Caption	Analysis	Recommendation
2015-1248	Advisory opinion request regarding whether Dr. Craig Troxclair, as a licensed physician specializing in Psychiatry, can provide services as a physician advisor for both the Office of Behavioral Health and AmeriHealth Caritas.	Services for indigent patients are exclusively managed by OBH, while services for Medicaid patients are exclusively managed by the Bayou Health plans, including AmeriHealth Caritas. Furthermore, Dr. Troxclair is not involved in determining whether a patient is eligible for Medicaid benefits. Therefore, it would not present a violation of the Code if Dr. Troxclair provides services as a physician advisor for both OBH and AmeriHealth Caritas.	Adopt the proposed advisory opinion.
2015-1251	Advisory opinion regarding whether Gary Evans, a Review Appraiser with the Real Estate/Appraisal Section of the Louisiana Department of Transportation, may accept employment with the Red River Waterway Commission to provide real estate appraisal services.	Since the Commission is a public body, it is not a person for purposes of R.S. 42:1111C(2)(d), thus there is no issue under that statute. Further, since Mr. Evans' job duties and responsibilities do not include appraisal services for the Commission, he is not prohibited from providing appraisal services to the Commission outside of his normal job duty hours.	Adopt proposed advisory opinion.

Docket #	Caption	Analysis	Recommendation
2015-1252	Advisory opinion request as to whether Danielle Ogea Vaughan may continue her employment with Northeast Bossier Fire District #5 ("District") if her husband becomes Fire Chief for the District.	Because Mrs. Vaughan was employed by the District for at least one year prior to her husband becoming Fire Chief, she would not be prohibited from continuing her employment with the District. Jason Vaughan is required to submit a disqualification plan to disqualify himself from participating in matters involving his wife's employment if he becomes Fire Chief for the District in accordance with La. R.S. 42:1112C and Chapter 14 of the Administrative Rules for the Board of Ethics.	Adopt the proposed advisory opinion.
2015-1254	Advisory opinion request from Gerald Boudreaux regarding whether the Code of Governmental Ethics would prohibit him from serving as the Director of Parks and Recreation for the Lafayette City-Parish Consolidated Government once he is sworn in as the newly-elected Senator for District 24.	Under the facts presented, there are no provisions in the Louisiana Code of Governmental Ethics which would prohibit Mr. Boudreaux from serving as an elected member of the Louisiana Senate and being employed by the Lafayette Parks and Recreation Department. However, he should be advised that this opinion request may present an issue associated with the Louisiana Dual Office-Holding laws, which are under the jurisdiction of the Attorney General.	Adopt the proposed advisory opinion.

Docket #	Caption	Analysis	Recommendation
2015-1337	Advisory opinion regarding whether Celeste Falconer may continue to serve on the Florida Parishes Human Services Authority Governing Board when her husband, Reid Falconer, takes office as a State Representative in January 2016.	No issues are present under the Code of Ethics by Ms. Falconer continuing to serve on the Florida Parishes Human Services Authority Governing Board when her husband takes office as a state representative in January 2016.	Adopt proposed advisory opinion.
2015-1338	Advisory opinion request regarding whether Clare Miller, a member of the Louisiana Board of Examiners in Dietetics and Nutrition, can also serve as a member of the Legislative and Public Policy Committee for the Academy of Nutrition and Dietetics.	Ms. Miller's service as a member of the Committee, while she serves as a member of the Board of Examiners, does not present an issue addressed by the Code of Governmental Ethics.	Adopt the proposed advisory opinion.
2015-1342	Advisory opinion request by Marion French regarding whether there would be a conflict of interest if he were to serve on the Alexandria Civil Service Commission while representing clients who work for the City of Alexandria.	Mr. French resigned from his position on the Alexandria Civil Service Commission effective December 29, 2015.	Decline to render an opinion and grant the withdrawal of his request.

Docket #	Caption	Analysis	Recommendation
2015-1343	Advisory opinion request regarding whether the Code of Governmental Ethics would prohibit Mr. Darrin Richard's sons from being hired as lifeguards by the Cameron Parish Department of Recreation while Mr. Richard serves as a board member of the Cameron Parish Recreation Department.	Section 1119 of the Code would prohibit Darrin Richard's sons from being employed as lifeguards by the Cameron Parish Recreation Department while Darrin Richard serves as a board member.	Adopt the proposed advisory opinion.